

LAW OFFICES

SHOOK, HARDY & BACON LLP

KANSAS CITY
OVERLAND PARK
HOUSTON
SAN FRANCISCO
MIAMI

1850 K STREET, NW, SUITE 900
WASHINGTON, D.C. 20006-2244
TELEPHONE (202) 452-1450 ■ FACSIMILE (202) 452-1426

LONDON
ZURICH
GENEVA
MELBOURNE
BUENOS AIRES

J. Thomas Nolan
(202) 261-2054
jnolan@shb.com

October 20, 1998

Ms. Magalie Roman Salas
Secretary Federal Communications Commission
1919 M Street, N.W.
Room 222

Washington, D.C. 20554

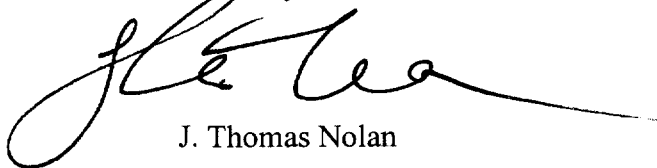
Re: **MM Docket No. 98-93**
Comments of Greater Media Radio Co.

Dear Ms. Salas:

As a courtesy to Greater Media Radio Co., I am submitting herewith an original and eleven copies of its comments in the above-referenced docket.

Please call me with any questions regarding this submission.

Sincerely,



J. Thomas Nolan

JTN/kd

Enclosures

cc: Daniel M. Lerner

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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OCT 20 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of

1998 Biennial Regulatory Review --
Streamlining of Radio Technical Rules in
Parts 73 and 74 of the Commission's Rules

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To: The Commission

COMMENTS OF GREATER MEDIA RADIO COMPANY

I. Introduction

Greater Media Radio Company (hereafter, "GMRC") hereby submits its comments with respect to the Notice of Proposed Rulemaking and Order released by the Commission on June 15, 1998 in MM Docket No. 98-93 ("the NPRM"), seeking to streamline the Commission's radio technical rules. See Notice of Proposed Rulemaking and Order, FCC 98-117, MM Docket No. 98-93, released June 15, 1998.

II. Background

GMRC is the licensee of Station WPLY, Media, Pennsylvania, a Class B commercial FM facility located near Philadelphia. An application we filed in May 1994 to relocate WPLY's main transmitter is pending before the Commission.¹ However, under the current Rules, a waiver of Section 73.215 is necessary to permit this move. While the concept of "negotiated interference" would afford licensees much-needed flexibility, an alternative to the Commission's

1. File Number BPH-940513I, hereafter, the "pending application". The impact of the NPRM on this application is discussed in detail in Appendix A of these comments. The pending application is unopposed, so there are no service requirements nor ex parte restrictions governing the application or these comments with respect to the application. See 47 C.F.R. § 1.1202(b)(1).

negotiated interference proposal, described below, would allow grant of our pending application without the need for a rule waiver.

The Commission recognizes the technical impediments faced by FM stations seeking to relocate their transmitters within congested areas such as the Northeast Corridor.² Philadelphia, in the center of this region, is a prime example of a market where the FM band is filled beyond the “saturation” level -- in fact, very few of the FM stations between Washington and Boston actually meet the minimum spacings required by Sections 73.207 and 73.215 of the FCC Rules. Similar conditions exist in Southern California and the Great Lakes regions.³ It is important to remember that many FM broadcasters in these areas still struggle with serious coverage deficiencies which could be corrected if some overly restrictive technical regulations were relaxed.

We know firsthand of the need for a reduction in regulatory burdens, having attempted for fifteen years to resolve a severe case of intermodulation interference to WPLY and to correct other coverage problems. The recent revisions to Section 73.213(a) gave additional flexibility to some stations seeking to relocate,⁴ but this rule applies only to pre-1964 “grandfathered” short-spaced stations and offers no relief in situations involving stations that began operating after 1964. In our case, five short-spaced stations must be considered, but only four of them are covered under Section 73.213(a). The fifth is a first-adjacent Class A station which began operating in the 1970's, to which Section 73.215 applies. WPLY's freedom to move closer to

2. NPRM at 18.

3. These areas are within Zones I and I-A as defined in Section 73.205 of the FCC Rules.

4. See Grandfathered Short-Spaced FM Stations, Report and Order, FCC 97-276 (released August 8, 1997).

this station without a waiver was precluded when the Commission increased the Class A maximum power limit to 6 kilowatts⁵ and increased the Section 73.215(e) minimum separation limits that apply to that class.⁶

Naturally, at the conclusion of this proceeding, we hope the Commission arrives at a workable solution which will allow our pending application to be granted. Although we commend the Commission on its efforts to give FM licensees additional flexibility to make facility changes, continued strict adherence to the minimum spacings of Section 73.215 would prevent WPLY from relocating to its desired site.

III. In addition to the “negotiated interference” proposal, the Commission should adopt a plan to allow existing Class B stations to voluntarily accept 60 dBu contour protection.

After careful analysis of the NPRM, and following discussions with our legal and engineering counsel, we have developed an alternate plan which would give WPLY and other

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5. See Notice of Proposed Rulemaking in MM Docket 88-375, 3 FCC Rcd 5941 (1988); First Report and Order, 4 FCC Rcd 2792 (1989); Second Report and Order, 4 FCC Rcd 6375 (1989); reconsideration and clarification granted in part, 6 FCC Rcd 3417 (1991). In congested areas, such as the Northeast Corridor, where many stations were already near minimum spacings prior to the Class A upgrade, the ability for adjacent stations to relocate has been impaired by the changes to the spacing tables. For instance, prior to the increase in Class A power limits, five of the sixteen commercial FM stations in the Philadelphia market were short-spaced to at least one Class A station. Today, twelve stations in our market (including WPLY) have at least one Class A short-spacing resulting from revisions to Section 73.207. Although Section 73.215 provides some relief for stations desiring to move closer to a Class A facility, it no longer permits sufficient flexibility to allow WPLY's proposed move. Also, we note that any Class B station operating on a channel first-adjacent to a Class A station at the minimum spacing required by Section 73.207 is subject to significant prohibited contour overlap in violation of Section 73.215. (A Class B facility has a 54 dBu F[50,50] protected contour radius of 65.0 kilometers, while a first-adjacent Class A facility produces its 48 dBu F[50,10] interfering contour at a radius of 59.6 kilometers. However, the minimum separation specified in Section 73.207 in this instance is 113 kilometers, allowing 11.6 kilometers of contour overlap. This is similar to the situation presently encountered in Puerto Rico and the Virgin Islands, and discussed in Paragraph 38 of the NPRM.) In situations such as this, the existing rules do not offer sufficient flexibility to permit many minor facility changes.
6. The minimum separation from A to B stations 200 kHz removed was originally 88 kilometers, but has since been increased to 96 kilometers.

Class B stations additional flexibility to improve their facilities. In some respects, our plan is less radical than the “negotiated interference” concept. Specifically, we propose that, *on a strictly voluntary basis*, existing commercial Class B stations in Zones I and I-A could *elect* to receive protection to the 60 dBu contour, rather than the 54 dBu contour as mandated in current regulations. Stations exercising this option would be reclassified as Class B0 (Class B zero); however, the maximum facilities of 50 kW at 150 meters HAAT would remain applicable to this intermediate class. Such a plan would be simple and expedient for the Commission to adopt, because Class B0 stations would have maximum facilities and protection identical to the existing Class C2 presently available in Zone II of the mainland United States. Therefore, the existing Class C2 spacings of Sections 73.207 and 73.215 would apply to this new class. We propose that reclassification of a station’s license from Class B to Class B0 would be designated as a minor change in accordance with Section 73.203(b) of the Rules.

Our “Class B0” proposal furthers the public interest and the Commission’s streamlining objectives. At present, stations of any class (except Class A) are permitted to voluntarily reclassify to a lower class, and in doing so, they will gain flexibility to relocate to new transmitter sites. In Zone II, many former Class C stations have voluntarily elected to reclassify as C1 facilities, specifically for the purpose of relocation closer to desired markets, or to allow co-location at multi-user antenna sites. Because the maximum power allowed for both of these classes is 100 kW, many licensees have determined this is an acceptable sacrifice to be exchanged for access to more suitable sites. Although in Zones I and I-A, Class B stations are currently permitted to downgrade to Class B1 facilities, there is a substantial difference in 60

dBu coverage between the two classes,⁷ making this an unacceptable option in most cases. Our proposal would allow Class B stations increased flexibility to relocate without necessarily reducing their 60 dBu coverage areas. While some interference protection beyond the 60 dBu contour would be sacrificed, “grandfathered” Class B stations (which would be most likely to take the Class B0 option) are not fully protected to their 54 dBu contours at present, and there is little chance they will ever achieve full protection in the future.

In effect, other stations have already taken advantage of our plan in a limited sense. We note that some former Class B stations near the Mississippi River have already chosen to reclassify as Class C2 by relocating their transmitters from Zone I to Zone II.⁸ This has been permitted even though their communities of license remain in Zone I. Further, we note that all Class B *non-commercial* stations in Zones I and I-A are currently protected to the 60 dBu contour, so in essence, they are already operating in the manner we propose.

Aside from our own concerns, we note that the rapid transition to digital television (DTV) also demands that the rules applying to FM facility changes must be streamlined. Displacement of FM antennas from existing towers will force many FM stations to relocate within the next several years, especially in congested regions, but existing policies will require the Commission

7. According to Section 73.211, Class B stations are permitted 50 kW ERP at 150 meters HAAT, providing a 60 dBu coverage radius of 52 kilometers. Class B1 stations are allowed 25 kW ERP at 100 meters HAAT, which gives 39 kilometers of 60 dBu coverage. Therefore, a Class B1 station will generally provide only 56 percent of the coverage of a Class B station, when operating at full facilities.

8. For example, WVRV, East Saint Louis, Illinois, and WXTM, Jerseyville, Illinois, were previously designated as Class B facilities in Zone I. Both stations, desiring better coverage of the St. Louis metro market, relocated their transmitters to sites in Missouri (within Zone II) and reclassified as C2 facilities. From its present site, WVRV operates under Section 73.215 and is spaced 94 kilometers from KTUI-FM, a first-adjacent Class A station. This separation would be prohibited if WVRV had retained its former Class B designation. Likewise, WXTM is spaced 61 kilometers from KSLQ-FM, a second-adjacent Class A station, and meets the required Section 73.207 separation of 55 kilometers for a C2 facility. However, as a Class B facility, WXTM would fail to meet the 69 kilometer requirement of Section 73.207, nor would it comply with 67 kilometer minimum of Section 73.215.

to consider numerous waiver requests unless some requirements are relaxed. Additionally, in certain markets, new DTV towers will be erected in desirable locations, and the availability of new antenna space on these structures may attract FM broadcasters who are not required to move, but simply want to improve their service to the public.

To summarize our proposal, Class B0 stations, like Class C2 stations, would be permitted 50 kilowatt facilities, would receive contour protection identical to Class C2, and would use the present C2 spacings in the separation tables of Sections 73.207 and 73.215 of the Rules. Class B0 stations would differ from Class B stations only in the degree of their contour protection. Class B0 stations would be given 60 dBu contour protection, whereas Class B stations are normally protected to the 54 dBu contour. Reclassification from Class B to Class B0 would be *purely voluntary*.

IV. Our “Class B0” plan offers certain benefits over the Commission’s “negotiated interference” proposal.

The Commission should adopt our “Class B0” plan because it will be easier for the Commission to implement than the “negotiated interference” proposal, yet it would accomplish the same goals. The Commission could adopt the Class B0 plan as a replacement for, or in addition to, the negotiated interference proposal to afford licensees much-needed flexibility. A few limitations of the Commission’s negotiated interference proposal are discussed below.

As discussed in Paragraph 20-(1) of the NPRM, the Commission’s proposal would limit total interference received by any station from *all interfering stations* to no greater than five percent of the area and population within each station’s protected service contour. Many “grandfathered” short-spaced stations, specifically Class B stations in the Northeast, already exceed this limit if all sources of received interference to the 54 dBu (0.5 mV/m) contour are

considered.⁹ Therefore, it appears that none of these stations would have the ability to negotiate new interference with non-grandfathered stations. This is unfortunate, because many of these stations require the greatest flexibility to relocate. Our “Class B0” proposal would solve this problem.

Paragraph 20-(2) of the NPRM would require total service gain to be at least five times as great as the increase in total interference, in terms of both area and population. Total interference is defined as “the sum of *all* interference increases and decreases received by *all* affected stations and applicants, in terms of area and population.” We believe this definition of “total interference” requires further clarification. In instances where a station’s protected contour is subject to *overlapping* areas of interference received from *multiple* stations, the Commission’s proposal suggests that these overlap areas would be counted more than once when calculating the total interference area and population. It is possible that new received interference negotiated by some “grandfathered” stations could coincide with areas of existing interference, and therefore, would cause no reduction in “interference-free” coverage. To permit greatest flexibility, coincident interference from multiple sources should not add to the total more than once.

We agree with the requirement proposed in Paragraph 20-(3) prohibiting predicted interference within the boundaries of any affected station’s community of license. We believe that an FM station’s 70 dBu (3.16 mV/m) “city grade” contour, which is normally required to cover the entire community of license, should be protected against interference in any form. Our plan would afford this contour full protection.

9. For instance, WPLY’s existing facility receives interference from short-spaced “grandfathered” stations within 28 percent of its total 54 dBu coverage area, affecting 16 percent of the total 54 dBu service population. Most other Class B stations in the Philadelphia area also exceed the five percent interference limit at present.

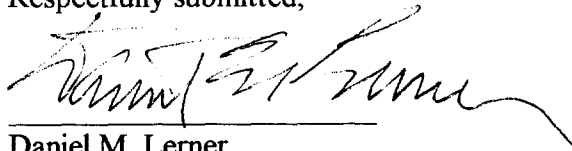
Paragraph 20-(4) proposes that “Any application causing or receiving interference in an area the previously received interference free service would be required to demonstrate the existence of at least five remaining aural services within each interference area.” We agree with this requirement, and further, we note that stations in congested regions should have little trouble meeting it, because these areas are generally well-served.

Paragraph 21 of the NPRM indicates that, although some contour overlap currently prohibited under Section 73.215 might be permitted through negotiation, the existing Section 73.215(e) minimum distance separations would continue to be rigidly enforced. Unfortunately, this requirement remains the major impediment preventing grant of our pending application. As mentioned previously, our case involves a reduction of spacing toward a Class A station which does not meet the current Section 73.207 separation requirements and operates with 3 kilowatt facilities. If we gave consent, this station could increase its power and increase its interference to the “fringe coverage” areas within WPLY’s 54 dBu contour, but ironically, under existing policy we cannot voluntarily agree to accept more interference from it in connection with improvements to *our* facility. Adoption of our plan would resolve this problem and could allow other Class A stations to improve their facilities without the need for negotiation.

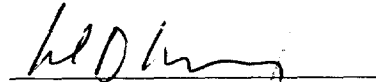
V. Conclusion

GMRC supports the Commission’s efforts to permit FM stations greater flexibility to improve their facilities. Although we are not opposed to the general concept of “negotiated interference,” some specific provisions require further clarification. As an alternative, our “Class B0” plan would be easier to implement and would potentially benefit many stations by permitting greater flexibility in future relocations, forced or otherwise. It would also clearly permit WPLY’s pending application to be granted without a waiver, as discussed in Appendix A.

Respectfully submitted,



Daniel M. Lerner
Chairman
(e-mail: dan@y100.com)



Mark D. Humphrey, CPBE
Director of Engineering
(e-mail: mark@y100.com)

Greater Media Radio Company
WPLY(FM)
1001 E. Baltimore Pike
Media, PA 19063

October 19, 1998

APPENDIX A

Some additional background will help to compare the provisions of the “negotiated interference” concept with our “Class B0” alternative, as each proposal would apply to our pending application. In May 1994, GMRC filed an application¹⁰ to relocate WPLY’s main transmitter to the Roxborough antenna farm,¹¹ the main transmitter site of fifteen FM stations and fourteen other broadcast facilities serving the Philadelphia market.¹² WPLY’s currently-licensed main transmitter site, near Newtown Square, Pennsylvania, is approximately 11 miles from Roxborough. Numerous studies have shown that the elevation of WPLY’s present antenna is insufficient to provide adequate clearance over much of the surrounding terrain.¹³ Therefore, WPLY’s signal strength near the antenna farm is inadequate to overcome continuous, severe interference caused by receiver-induced third-order intermodulation effects (“RITOIE”) resulting from operation of the numerous Roxborough stations. The area of RITOIE interference¹⁴ is totally encompassed by WPLY’s present 70 dBu (3.16 mV/m) “city-grade”

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10. File Number BPH-940513I, hereafter, the “pending application”.
 11. Roxborough was recognized by the Commission as a *de facto* antenna farm in a 1985 case involving relocation of the main transmitter of WXTU(FM), one of WPLY’s competitors. See Beasley Broadcasting of Philadelphia, 100 FCC 2d 106, 109.
 12. The Philadelphia Metro market has been allotted a total of fifteen commercial FM channels. The main antennas of twelve stations operating on these commercial channels are located in the Roxborough Antenna Farm. WPLY’s auxiliary antenna (File Number BLH-980813KB) is also licensed to operate from this site. In addition, there are three Class B non-commercial FM stations, nine TV stations, and one 50 kilowatt AM station based in Roxborough. Four of these TV stations are in the process of constructing co-located DTV facilities which are scheduled to begin operating in November of this year.
 13. Appendix B of our pending application includes terrain profiles.
 14. Our pending application includes an extensive technical analysis of WPLY’s RITOIE interference problem. The RITOIE interference area generally falls within the 100 dBu contours of ten FM stations operating within 5 MHz of WPLY’s frequency, 100.3 MHz, and includes a population of approximately 138,000 persons within 36 square miles. Interstate 76 (the Schuylkill Expressway), the main highway linking Philadelphia with its western suburbs, bisects this area.

coverage contour, the area where listeners expect the highest signal quality. Although this RITOIE interference has existed for many years, it has continued to worsen as other stations have increased power or moved into the antenna farm from other sites. Several years ago, following a prolonged and ultimately unsuccessful attempt to increase the height of WPLY's main antenna at the existing site,¹⁵ we concluded that the only practical solution to this interference problem would require relocation of WPLY to an existing tall tower in Roxborough, from where it would continue to provide line-of-sight 70 dBu coverage over Media and 60 dBu coverage to the surrounding urbanized area.

WPLY is presently short-spaced to five stations at its present site, and would remain short-spaced to all five at Roxborough. Four of these short-spacings apply to pre-1964 "grandfathered" allotments¹⁶ and are covered under Section 73.213(a). (Although our May 1994 application requested a waiver of this Section, the revisions that took effect in November 1997 eliminated this requirement.)¹⁷ The remaining short-spacing is to WJRZ-FM, a first-adjacent Class A station in Manahawkin, New Jersey, that began operation in 1976.¹⁸ Presently, WPLY is 106 kilometers from WJRZ-FM, but at Roxborough, the spacing would be reduced to 93 kilometers; therefore, WPLY proposes to suppress its radiation toward WJRZ-FM with a

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15. At the Newtown Square site, WPLY's tower height is restricted to a maximum of 500 feet above ground level by FAA obstruction lighting requirements and local zoning regulations. Appendices C and D of our pending application provide further information.
 16. The stations operating on these allotments are WBIG-FM, Washington, DC; WHTZ, Newark, NJ; WQIC, Lebanon, PA; and WLEV (formerly WFMZ), Allentown, PA.
 17. See Grandfathered Short-Spaced FM Stations, Report and Order, FCC 97-276 (released August 8, 1997).
 18. WJRZ-FM operates on the channel originally allotted to Ship Bottom, New Jersey, an island community 101 kilometers from Roxborough. The allotment was moved to Manahawkin in the late 1970s under the "unlisted community" provision of Section 73.203(b) in effect at that time. WJRZ-FM's present site on the mainland near Waretown, New Jersey provides coverage of Toms River, the primary population center of Ocean County, New Jersey.

directional antenna. Although no new interference would be caused to WJRZ-FM (assuming operation at its present site with full Class A facilities), or to the four pre-1964 “grandfathered” stations in violation of Section 73.213(a), WPLY proposes to accept a 261 square kilometer area of new interference from WJRZ-FM, affecting 2.3 percent of the total area and 0.36 percent of the proposed population. This interference would encroach upon WPLY’s proposed 54 dBu (0.5 mV/m) contour, but falls outside the proposed 60 dBu (1.0 mV/m) contour, as well as the present 54 dBu contour. The same area is presently subject to co-channel interference from WHTZ, Newark, New Jersey, one of the grandfathered short-spaced stations, so additional interference received from WJRZ-FM would have little practical significance to the public. The entire interference area presently receives service from at least five other aural services.

Under the “negotiated interference” concept, WPLY probably would be permitted to receive additional interference from WJRZ-FM, since the total area and population in the new interference area would be less than five percent, and WPLY proposes an overall decrease in total interference caused and received. However, since WPLY presently receives far more than five percent interference from “grandfathered” stations, this is not clear. In any event, we are much more concerned that continued rigid enforcement of the Section 73.215 minimum separation of 96 kilometers between Class A and Class B stations on first-adjacent channels would preclude WPLY’s application from being granted.

Under the “Class B0” plan, WPLY would voluntarily reclassify from Class B to Class B0. This would bring WPLY’s application into full compliance with Section 73.215, since the minimum required spacing to WJRZ-FM would drop to 89 kilometers, and there would be no prohibited overlap between WJRZ-FM’s 54 dBu F(50,10) interfering contour and WPLY’s 60 dBu F(50,50) service contour, even if WJRZ-FM were to increase to full Class A (6 kilowatt)

facilities. Although as a Class B0 station, WPLY's 54 dBu contour would no longer be protected against interference, we are willing to accept reclassification for several reasons:

- The severe RITOIE interference within WPLY's 70 dBu contour would be eliminated, and the population served within this contour would increase by eighteen percent.
- WPLY would greatly improve service to Interstate 76, a major commuting and evacuation route between Philadelphia and its western suburbs.
- WPLY would be permitted to move its main transmitter to an existing tower site in a multi-user antenna farm where its auxiliary facilities are already located.
- We would reduce WPLY's numerous multipath and shadowing problems by transmitting from the proposed site, which is higher than the present site and centrally-located in the Philadelphia market.
- The quality of existing coverage outside WPLY's 60 dBu contour is of questionable value, so there is little reason to protect it.¹⁹
- In WPLY's case, over 59 percent of the coverage area between the 54 and 60 dBu contours is presently subject to co-channel interference from "grandfathered" stations, so it is already lost.

19. Amendment of Part 73 of the Commission's Rules to Permit Short-Spaced FM Station Assignments by Using Directional Antennas, Report and Order, 4 FCC Rcd 1681 (1989) at paragraph 45: "Today, urban areas have expanded, and the 0.5 mV/m signal provided to the outer urban environments may no longer be adequate to provide quality reception."